

Section I

Notices of Development of Proposed Rules
and Negotiated Rulemaking

DEPARTMENT OF STATE

Division of Elections

RULE NO.:
1S-2.017RULE TITLE:
Reporting Requirements for
Campaign Treasurer's Reports

PURPOSE AND EFFECT: The purpose of the amendments is to update the rule to reflect new filing specifications, to incorporate a user's guide, to update forms, and to delete rule language already contained in statute regarding the electronic filing of campaign treasurer's reports. The amendments also delete the State Matching Funds Program from the rule as not being relevant to this rule.

SUBJECT AREA TO BE ADDRESSED: Campaign treasurer's reports.

SPECIFIC AUTHORITY: 106.0705 FS.

LAW IMPLEMENTED: 106.04, 106.07, 106.0705, 106.29 FS.
A RULE DEVELOPMENT WORKSHOP WILL BE HELD
AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 1, 2008, 10:00 a.m.

PLACE: Room 307, R. A. Gray Building, Department of State,
500 S. Bronough Street, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6240. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Kristi Reid Bronson, Chief, Bureau of Election Records, Division of Elections, Department of State, 500 S. Bronough Street, Tallahassee, Florida 32399-0250; telephone: (850)245-6240

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

1S-2.017 Reporting Requirements for Campaign Treasurer's Reports.

(1) General Reporting Requirements.

(a) All persons and political parties who file campaign treasurer's reports filed with the Division of Elections (Division) must file reports of contributions and expenditures as set forth in this rule.

(b) All campaign treasurer's reports filed with the Division of Elections shall be filed in electronic format by means of the internet by either keying in the detail data via the web pages or uploading an electronic file that meets the Division's of Election's file specifications, Form DS-DE 111, Electronic Filing System Filing Specifications (Eff. _____). All data submitted must comply with the instructions in Form DS-DE 110, Electronic Filing System User's Guide, (Eff. _____) on Form DS-DE 13A, Campaign Treasurer's Report Itemized Contributions and Fund Transfers (Eff. 01/05) and Form DS-DE 14B, Campaign Treasurer's Report Itemized Expenditures and Distributions (Eff. 01/05). Any amendment to a campaign treasurer's report that covered a reporting period prior to January 1, 2005 and that was not filed electronically, may be submitted in paper form on Form DS-DE 12, Campaign Treasurer's Report Summary (Eff. 08/04); Form DS-DE 13, Campaign Treasurer's Report Itemized Contributions (Eff. 08/03); Form DS-DE 14, Campaign Treasurer's Report Itemized Expenditures (Eff. 08/03); Form DS-DE 14A, Campaign Treasurer's Report Itemized Distributions (Eff. 08/03); and Form DS-DE 94, Campaign Treasurer's Report Itemized Fund Transfers (Eff. 08/03). Any amendment to a campaign treasurer's report that covered a reporting period filed prior to January 1, 2005 and that was filed by magnetic diskette, may be submitted on magnetic diskette and shall conform to Division specifications.

(b)(e) Prior to filing the first campaign treasurer's report in electronic format, each person or political party must obtain credentials for a secure sign-in to the Division's electronic filing system. Each person or political party is responsible for protecting the credentials from disclosure and is responsible for all filings using these credentials unless the person has notified the Division that his or her credentials have been compromised.

(c)(d) The Division shall issue credentials for a secure sign-in when a person or political party files a completed Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Eff. _____ 08/03); or a completed Form DS-DE 5, Statement of Organization of Political Committee (Eff. _____ 08/03); or a completed Form DS-DE 103, Electioneering Communication Statement of Organization (Eff. _____ 08/04). The Division shall issue credentials for a secure sign-in upon request to candidates and their treasurers or deputy treasurers and to chairpersons, treasurers, and deputy treasurers of committees, organizations, and political parties.

(d)(e) Each individual who receives secure sign-in credentials will also furnish the Division with confidential personal information, which involves supplying the answer to a personal question relating to the particular individual, that shall be used by the Division to allow access by the individual

in the event that credentials are forgotten or lost. Examples of confidential personal information shall include mother's maiden name, date of birth, child's name, pet's name, etc.

~~(f)~~ Electronic reports are considered to be filed under oath by the person or political party filing the report and are subject to the fines and penalties in Sections 106.04(4)(d) and (8), 106.07(5) and (8), 106.0705, and 106.29(2) and (3), F.S., as applicable.

~~(e)(g)~~ Electronic reports must be completed and filed through the Division's electronic filing system no later than midnight 12:00 p.m., Eastern Standard Time, of the due date. In the event that the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than midnight 12:00 p.m., Eastern Standard Time, of the first business day the electronic filing system becomes operable again. No fine will be levied during the period the electronic filing system was inoperable.

~~(f)(h)~~ A report shall be deemed filed through the electronic filing system upon the issuance of an electronic receipt indicating and verifying that the report was filed.

~~(2) State Matching Funds Program.~~

~~(a)~~ Pursuant to Section 106.33, F.S., a candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds shall, upon qualifying for office, file a request for such contributions with the Division on Form DS-DE 98, "Candidate for Governor or Cabinet Officer Request for Contributions (Eff. 1/02)".

~~(b)~~ To be eligible to receive state matching funds, a candidate for Governor or member of the Cabinet must not be an unopposed candidate as defined in Section 106.011(15), F.S., and shall:

1. Agree to abide by the expenditure limits provided in Section 106.34, F.S.

2. Raise qualifying matching contributions as provided in Sections 106.33 and 106.35, F.S.

3. Retain copies of all checks received, in-kind documentation, credit or debit card receipts, if applicable, and, in the case of cash, copies of the accompanying deposit slips, and copies of cashiers checks. Each campaign treasurer shall submit copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashiers checks to the Division at each applicable reporting period; and

4. Submit to a post election audit of the campaign account and financial records by the Division. Surplus matching funds must be returned before the post election audit is conducted.

~~(c)~~ State matching funds shall be distributed within 7 days after the close of qualifying and every 7 days thereafter, to eligible candidates. The first distribution shall be based on verified matching contributions as shown on quarterly reports, filed after September 1 of the calendar year prior to the election, through June 30 of the election year. Thereafter, distribution of funds will be based on weekly reports as

~~provided by Section 106.07(1)(b), F.S.~~ Each weekly distribution of funds will be based on the prior week's report as verified by the Division, if timely received; otherwise, the distribution will be made in the next applicable weekly cycle. The Division shall verify matching contributions contained in the reports with copies of checks, in-kind documentation, credit or debit card receipts, deposit slips for cash contributions and copies of cashier's checks which have been submitted by the candidates.

~~(d)~~ For candidates who are eligible to receive state matching funds, a report is timely if it is received in the Division by 12:00 noon, Eastern Standard Time, on the date it is due. If a report is received after 12:00 noon, Eastern Standard Time, on the due date, such report will be deemed late for matching fund purposes and any eligible matching funds will be distributed in the next reporting cycle. If any fines are due for late filing they will be assessed pursuant to Section 106.07, F.S. For all other candidates, filing deadlines shall be as provided in Section 106.07, F.S.

~~(e)~~ Reports filed by candidates requesting matching funds must include all information required by this rule and Sections 106.07 and 106.30-36, F.S. If information related to a matchable contribution is missing, incomplete or cannot be verified, no match will be made for that contribution and the candidate will be notified by the Division. However, upon supplying such missing or incomplete information and upon verification by the Division, matching funds will be provided on the next applicable cycle.

~~(f)~~ If a candidate requesting matching funds submits a report and subsequently amends such report, any adjustment, up or down, to the candidate's distribution of funds will be made on the next weekly cycle occurring after receipt and review of the amended report. All amendments to reports must be submitted electronically to the Division.

~~(g)~~ The Division shall record the time that reports are received from candidates requesting matching contributions and distribute funds on a first in, first out basis.

~~(h)~~ An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.

~~(3) Voluntary Expenditure Limits.~~ Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, "Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds (Eff. 12/93)", upon qualifying for office.

~~(2)(4)~~ All forms and filing specifications contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, Tallahassee, Florida 32399-0250, from the Division’s website at <http://election.dos.state.fl.us>, or by calling (850)245-6240.

Specific Authority 106.0705 ~~106.35(1), (5), 106.0706~~ FS. Law Implemented 106.04, 106.07, 106.0705, 106.29, ~~106.30-36~~ FS. History–New 11-13-88, Formerly 1C-7.017, Amended 2-28-90, 9-5-93, 1-1-96, 3-5-96, 7-20-98, 7-31-02, 1-1-05, 6-2-05, _____.

DEPARTMENT OF STATE

Division of Cultural Affairs

RULE NOS.:	RULE TITLES:
IT-1.001	Division of Cultural Affairs
IT-1.002	Application Requirements
IT-1.003	Application Review

PURPOSE AND EFFECT: This amendment will transfer the Historical Museums Grants-in-Aid Program from the management of the Division of Historical Resources to the Division of Cultural Affairs, and will incorporate statutory changes to the program that became effective July 1, 2008, as authorized by Section 265.708, Florida Statutes. The amendment will also establish new and existing eligibility criteria for the Cultural Support Grants Program and Historical Museum Grants-in-Aid Program, and will delete Indemnity Grant Program, because this program was repealed by the 2005 Legislature (see former Sections 265.51 – 265.55), Florida Statutes).

SUBJECT AREA TO BE ADDRESSED: This amendment will incorporate the recommendations of The Historical Museums Taskforce by it creating a two (2) year funding period, rather than annual one; it will provide three (3) levels of funding, rather than two (2) for the General Program Support category; and it will provide for alternate years in which museums requesting certain levels of funding will compete with each other for funding. This amendment will also provide that non-program-related operating costs, such as utilities, may not be included in the Grant Proposal Budget, and it clarifies the eligibility criteria for multidisciplinary museums who apply for funding. The amendment will require that grant deadlines be posted on the Division of Cultural Affairs' website, rather than in the Division's online newsletter.

SPECIFIC AUTHORITY: 255.043(4), 265.284(5)(d), 265.285(1)(c), 265.286(1), (4), (6), 265.2861(2)(b), (f), 265.2865(6), 265.51, 265.605(1), 265.608(1), 265.609(1), (4), 265.701(5), 265.702(8), 265.708(3) FS.

LAW IMPLEMENTED: 215.97, 255.043, 265.284, 265.285, 265.286, 265.2861, 265.2865, 265.601-.603, 265.605-.607, 265.608, 265.609, 265.701, 265.702, 286.011, 286.012, 286.25, 288.0656, 288.06561, 265.708 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 1, 2008, 1:00 p.m.
PLACE: R. A. Gray Building, 500 South Bronough, Room 307, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting by contacting: Morgan Barr, (850)245-6470. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Sarah Stage or Scott Moore, (850)245-6470

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.:	RULE TITLE:
6A-1.09432	Assessment of Limited English Proficient Students

PURPOSE AND EFFECT: The pupose of this rule development is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel providing services to students enrolled in the ESOL program; deletes outdated “grandfathering” method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: December 2, 2008, 2:00 p.m. – 4:00 p.m.; December 12, 2008, 1:00 p.m. –3:00 p.m.; December 15, 2008, 10:00 a.m. – 12:00 Noon

PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street,

Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N.E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.	RULE TITLES:
6A-4.0244	Specialization Requirements for the Endorsement in English to Speakers of Other Languages – Academic Class
6A-4.02451	Endorsement Competencies for the Endorsement in English to Speakers of Other Languages

PURPOSE AND EFFECT: The purpose of the rule developments is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel providing services to students enrolled in the ESOL program; deletes outdated “grandfathering” method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

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PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street, Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N.E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. TO REQUEST A RULE DEVELOPMENT WORKSHOP, please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>.

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF EDUCATION

State Board of Education

RULE NOS.:	RULE TITLES:
6A-6.054	K-12 Student Reading Intervention Requirements
6A-6.0900	Programs for Limited English Proficient Students
6A-6.0901	Definitions Which Apply to Programs for Limited English Proficient Students
6A-6.0904	Equal Access to Appropriate Programming for Limited English Proficient Students
6A-6.0905	Requirements for the District Limited English Proficient Plan
6A-6.0906	Monitoring of Programs for Limited English Proficient Students
6A-6.0907	Inservice Requirements for Personnel of Limited English Proficient Students
6A-6.0908	Equal Access for Limited English Proficient Students to Programs Other Than ESOL
6A-6.0909	Exemptions Provided to Limited English Proficient Students
6A-6.09091	Accommodations of the Statewide Assessment Program Instruments and Procedures for Limited English Proficient Students

PURPOSE AND EFFECT: The purpose of the rule developments is to update terminology to reflect current practice in the field and update statutory references; modifies and/or creates inservice requirements for school personnel

providing services to students enrolled in the ESOL program; deletes outdated "grandfathering" method of endorsement in ESOL; incorporates newly revised template for District English Language Learners Plans; modifies exemptions to statewide assessments for newly arrived English Language Learners; and establishes competencies for ESOL endorsement.

SUBJECT AREA TO BE ADDRESSED: Programs for English to Speakers of Other Languages (ESOL) and English Language Learners.

SPECIFIC AUTHORITY: 1001.02(1), 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

LAW IMPLEMENTED: 1003.56, 1008.22, 1012.55, 1012.56, 1012.575 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATES, TIMES AND PLACES SHOWN BELOW:

DATES AND TIMES: December 2, 2008, 2:00 p.m. – 4:00 p.m.; December 12, 2008, 1:00 p.m. – 3:00 p.m.; December 15, 2008, 10:00 a.m. – 12:00 noon

PLACES: December 2, 2008, Hyatt Regency Orlando International Airport, Mirabel Ballroom, 9300 Airport Boulevard, Orlando, FL 32827; December 12, 2008, Turlington Building, Room 1703, 325 West Gaines Street, Tallahassee, FL 32399; December 15, 2008, Miami-Dade College, Wolfson Campus, Chapman Conference Center, 245 N. E. 4th Street, Miami, Florida 32132

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lori Rodriguez, Bureau of Student Achievement through Language Acquisition, Department of Education, 325 West Gaines Street, Room 501, Tallahassee, Florida 32399-0400, (850)245-0417. **TO REQUEST A RULE DEVELOPMENT WORKSHOP,** please contact: Lynn Abbott, Agency Clerk, Department of Education, (850)245-9661 or e-mail lynn.abbott@fldoe.org or go to <https://app1.fldoe.org/rules/default.aspx>

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.:	RULE TITLE:
33-401.701	Medical and Substance Abuse Clinical Files

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to provide one location for all provisions related to maintenance of and access to inmate medical and substance abuse clinical files.

SUBJECT AREA TO BE ADDRESSED: Department of Corrections comprehensive inmate medical files and substance abuse files.

SPECIFIC AUTHORITY: 944.09, 945.10, 945.6034 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25, 945.6034 FS, 42 USCS 290 ee-3, 45 CFR Parts 160 and 164.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-401.701 Medical and Substance Abuse Clinical Files.

(1) The Department of Corrections Office of Health Services shall maintain a comprehensive medical file (including medical, dental and mental health components) and a comprehensive substance abuse file, should one exist, on every person committed to the custody and care of the Florida Department of Corrections. Information included in the inmate's medical file is protected health information and shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996, (HIPAA) and Florida law.

(2) Definitions.

(a) Business Associate – refers to a person or entity who is not a member of the Department of Corrections' workforce and who, on behalf of the department, performs a function or activity involving the use or disclosure of individually identifiable health information. A business associate agreement or contract requiring a business associate to appropriately safeguard protected health information is required from business associates.

(b) Designated Records Set – refers to an inmate's medical, mental health, dental, Reception Medical Center hospital file, and substance abuse clinical files that are maintained by the Department.

(c) Department workforce – includes employees, volunteers, interns, trainees and other persons whose conduct, in the performance of work for the Department, is under the direct control of such the Department, whether or not they are paid by the Department.

(d) Disclose – refers to the release, transfer, provision of access to, or divulging in any other manner of information outside the Department.

(e) Health Services Administrator – refers to designated Department employees responsible for working with the privacy officer to ensure that all Department privacy procedures are implemented.

(f) Medical file – as used in this rule refers to the inmate’s medical, mental health, and dental files maintained by the department.

(g) Personal Representative – as used in this rule, means, with respect to a deceased inmate, an executor, administrator, or other person with authority under Florida law to act on behalf of the deceased inmate or the inmate’s estate. With respect to a living inmate, a personal representative means a health care surrogate, proxy, guardian, or other person with authority under Florida law to make decisions related to the inmate’s health care.

(h) Protected health information (PHI) – where used herein, refers to inmate or offender information that is created or received by the Department of Corrections, whether oral, recorded, transmitted, or maintained in any form or medium, that relates to the past, present, or future physical or mental health or condition of an inmate or offender, the provision of health care to an inmate or offender, or the past, present, or future payment for the provision of health care to an inmate or offender and identifies an inmate or offender or there is a reasonable basis to believe the information can be used to identify an inmate or offender.

(i) Psychotherapy notes – refers to notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

(j) Substance abuse clinical file – refers to the department’s inmate file containing all written documents, records and forms compiled to detail an inmate’s substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.

(k) Substance abuse progress notes – refers to notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session

start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.

(1) Use – refers to, with respect to protected health information, the sharing, employment, application, utilization, examination, or analysis of such information within the Department.

(3) Inmate and offender access to their own protected health information in a designated records set.

(a) Except as otherwise provided in this rule, an inmate shall be allowed to have access to his or her own protected health information contained in a designated records set. An inmate desiring access to his or her own medical file shall submit a written request using Form DC6-236, Inmate Request, to the health services administrator or his or her designee. An inmate desiring access to his own substance abuse clinical file shall submit a written request using DC6-236, Inmate Request, to the substance abuse program manager or his or her designee. Form DC6-236 is incorporated by reference in Rule 33-103.019, F.A.C.

(b) The department does not maintain medical files or substance abuse clinical files on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.

(c)1. Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department’s records.

2. Inmates shall have no access to protected health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.

3. Inmates shall have no access to protected health information maintained by the Department that is subject to the Clinical Laboratory Improvements Amendments of 1988, 42 U.S.C. 263a, to the extent that the provision of access to the inmate is prohibited by law, or is exempt from the Clinical Laboratory Improvement Amendments of 1988, pursuant to 42 C.F.R. 493.3(a)(2).

(d) An inmate’s request for access shall be denied in whole or in part due to any of the following reasons:

1. The request is for records or information identified in paragraph (c) above.

2. The request is for protected health information that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.

3. The request is for information not maintained or no longer maintained by the department in its files.

4. There has been a determination by a licensed or certified health care professional that:

a. The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;

b. The requested access is to protected health information that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

c. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

(e) Except as otherwise provided in this rule, all requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request. However, if the requested files are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.

(f) Denials must provide:

1. The basis for the denial;

2. Information on where the requested information is maintained if subparagraph (d)3. applies, and the department knows where the information is maintained;

3. Notification that the inmate may request a review of a denial based on subparagraph (d)4. by submitting a written request to the health services administrator or his or her designee in the case of medical files, or the substance abuse program manager or his or her designee in the case of substance abuse clinical files; and

4. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.

5. Upon written request of the inmate to the staff member designated above, denials based on subparagraph (d)4. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his or her designee or substance abuse program manager or his or her designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision.

(g) Where a request for access to an inmate's medical file or substance abuse clinical file is denied in part, the department shall provide access to the requested file after excluding the information for which access was denied.

(h) Providing Access.

1. Before any inmate reviews his or her medical file or substance abuse clinical file the Department will verify the inmate's identity using the inmate's ID card.

2. Medical files and substance abuse clinical files must be reviewed in a secure area in the presence of health record staff or the health service administrator.

3. No information shall be copied or removed from the file by the inmate at the time of the review. Form DC6-236, Inmate Request, shall be submitted by the inmate to obtain any copies.

(i) Copies will be provided upon receipt of payment as provided in subsection 33-601.901(2), F.A.C., except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer, employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (3)(f)3. above.

(4) Requesting Restrictions on the Use and Disclosure of Protected Health Information in a designated records set.

(a) An inmate may request that the Department restrict the uses and disclosures of his or her protected health information to carry out treatment, payment, health care operations, and for notification for involvement in the inmate's care. Inmates shall submit requests for restrictions on Form DC6-236, Inmate Request, to the health services administrator and provide a reason to support the requested restriction.

(b) In accordance with 45 C.F.R. § 164.522 the Department is not required to agree to a request for restriction and the Department shall not restrict disclosures of protected health information to other government agencies providing benefits or services to the inmate, to government agencies that oversee health care providers, or that are required by law.

(c) The Department shall notify the inmate of the denial or acceptance of the request to restrict information and a copy of the notice of denial or acceptance shall be filed in the inmate's designated record set and sent to other workforce members with a need to know. The written request and notification of denial or acceptance must be kept for six years from the date it was created or the date it was last in effect, whichever is later.

(d) If the Department agrees to the restriction, the Department and its business associates shall honor the restriction unless the inmate is in need of emergency treatment and the restricted information is needed to provide the emergency treatment. If restricted information is disclosed to a health care provider for emergency treatment, the Department shall request that the health care provider not further use or disclose the information.

(e) The Department shall terminate its agreement to a restriction, if:

1. The inmate agrees to or requests the termination in writing;

2. The inmate orally agrees to the termination and the oral agreement is documented; or

3. The Department informs the inmate that it is terminating its agreement to a restriction. The termination is only effective for protected health information created or received after the Department informed the inmate of the termination.

(5) Requesting Confidential Communications.

(a) An inmate or offender may request that the Department communicate protected health information with him or her by alternative means or at alternative locations. Inmates must make requests for confidential communication in writing on Form DC6-236, Inmate Request. The Department shall refuse an inmate's request if the inmate has not specified a reasonable method of communication or if the request would jeopardize or disrupt the safety, security or operations of the institution. The health services administrator shall notify the inmate that the request for confidential communication was denied or accepted.

(b) The Department shall retain the inmate's request and notification of denial or acceptance for a minimum of six years in the inmate's medical file.

(6) Request to amend protected health information in a designated record set.

(a) An inmate may request that the Department amend a designated record set for as long as the Department maintains the protected health information in the designated record set. Inmates shall make requests for amendments in writing on Form DC6-236, Inmate Request, and provide a reason to support the requested amendment.

(b) In accordance with 45 C.F.R. § 164.526, the Department shall act on the inmate's request for an amendment no later than 60 days after receipt of the request. If the Department is unable to act on the amendment within 60 days, the Department may extend the time by no more than 30 days, provided that within 60 days, the Department provided the inmate with a written statement of the reasons for the delay and the date by which the Department will complete its action on the request. The Department shall have one time extension for action on the request.

(c) If the Department is informed by another health care provider of an amendment to an inmate's protected information, the Department shall amend the protected information in its designated record sets.

(d) Pursuant to 45 C.F.R. § 164.526, the Department shall deny an inmate's request for an amendment to protected health information if it determines that the protected information:

1. Was not created by the Department, unless the inmate provides a reasonable basis to believe that the originator of protected information is no longer available to act on the requested amendment;

2. Is not part of the designated record set;

3. Is information that is not available for inspection by the inmate as provided in subsection (3) above; or

4. Is accurate and complete.

(e) If the Department denies the requested amendment, in whole or in part, the Department shall send the inmate a written denial notice, in plain language that contains:

1. The basis for the denial;

2. The inmate's right to submit a written statement disagreeing with the denial and how the inmate may submit such a statement on Form DC6-236, Inmate Request;

3. A statement that if the inmate does not submit a statement of disagreement, the inmate may request that the Department provide the inmate's request for amendment and the denial with any future disclosures of the protected information that is the subject of the amendment; and

4. A description of how the inmate may complain through the inmate grievance process.

(f) The Department shall permit the inmate to submit a written statement disagreeing with the denial of all or part of a requested amendment and the basis of such disagreement. The statement of disagreement is limited to 100 words. The Department shall prepare and submit a written rebuttal to the statement of disagreement.

(g) The Department shall identify the protected health information in the designated record set that is the subject of the disputed amendment and append the inmate's request for an amendment, the Department's denial of the request, the inmate's statement of disagreement, if any, and the Department's rebuttal, if any, in the designated record set.

(h) When a subsequent disclosure of the protected health information is made, the Department shall submit the material required in paragraph (g) with the requested protected health information.

(i) If the Department accepts the requested amendment, in whole or in part, the Department shall comply with the following requirements:

1. The Department shall make the amendment to the designated records set by identifying the portions in the record that are affected by the amendment and appending or otherwise providing a link to the location of the amendment.

2. The Department shall inform the inmate that the amendment is accepted and obtain the inmate's identification of, and agreement to have the Department notify relevant persons with which the amendment needs to be shared as described below within 60 days.

3. The Department shall make reasonable efforts to inform and provide the amendment within a reasonable time to:

a. Persons identified by the inmate as having received protected information about the inmate and needing the amendment; and

b. Persons, including business associates, that the Department knows have the protected information that is the subject of the amendment and that may have relied, or could foreseeably rely, on such information to the detriment of the inmate.

(7) Request for Accounting of Disclosures.

(a) Inmates may request that the Department provide them with an accounting of disclosures of protected health information.

(b) Inmates shall make requests for an accounting of disclosures on Form DC6-236, Inmate Request to the health services administrator.

(d) The Department shall provide the inmate with a written account that includes the following information:(c) Pursuant to 45 C.F.R. § 164.528 the Department shall provide the accounting of disclosures within 60 days of the request. If the Department is unable to provide the accounting within 60 days, it shall inform the inmate of the reason for the delay and when it expects to provide the accounting. One extension of 30 days is permitted per request. Inmates may request an accounting of disclosures for up to six years prior to the date on which the accounting is requested. Disclosures made prior to April 14, 2003 are excluded from this requirement.

1. The date of the disclosure;

2. The name and address of the entity or person who received the protected health information;

3. A brief description of the protected health information disclosed; and

4. A brief statement of the purpose of the disclosure or a copy of a written request from the entity or person that received the protected information.

(e) The accounting of disclosures is not required to contain the following disclosures of protected health information:

1. Disclosures for the purpose of treatment, payment and health care operations;

2. Disclosures to law enforcement or correctional officers for the health and safety of the inmate, other inmates, officers, employees of the correctional institution or others at the correctional institution;

3. Disclosures to law enforcement on the premises of the correctional institutions;

4. Disclosures for the administration and maintenance of the safety, security, and good order of the correctional institution;

5. Disclosures for national security or intelligence purposes;

6. Disclosures made to inmates of their own protected information;

7. Disclosures made as part of a limited data set;

8. Disclosures made to third parties pursuant to the inmate's request written authorization; and

9. Disclosures made prior to April 14, 2003.

(f) If the Department made multiple disclosures of protected information to the same entity for a single purpose, the accounting for a given period of time shall provide:

1. The required information listed above for the first disclosure; and

2. The frequency, periodicity, or number of disclosures made; and the date of the last disclosure.

(g) The Department shall provide the first accounting to an inmate in any 12-month period without charge.

(h) If the second or subsequent request for disclosure within a 12-month period requires duplication, the inmate shall pay the cost of duplication in accordance with subsection 33-601.901(2), F.A.C. and the inmate will sign a receipt for such copies.

(i) The Department shall document the following information regarding accounting of disclosures:

1. The date of disclosure;

2. The information listed in the accounting;

3. Written accounting that is provided to the inmate; and

4. The titles and names of the people who were responsible for receiving and processing the request.

(j) The documentation shall be retained for six years.

(k) The Department shall track disclosures other than for treatment, payment and health care operations. This includes the following disclosures even if the disclosure was to a business associate. The Department shall track disclosures:

1. To other government agencies providing benefits or services to the inmate;

2. To government agencies that oversee health care providers;

3. For research; and

4. Which are required by law.

(l) The following specific information about each disclosure shall be included and documented in the medical file on Form DC4-534, Health Care Information Request Record:

1. The date of the disclosure;

2. The name and address of the entity or person who received the protected information;

3. A brief description of the protected health information disclosed;

4. A brief statement of the purpose of the disclosure; and

5. Written account that was provided to the inmate.

(m) In accordance with 45 C.F.R. § 164.528, the Department shall temporarily suspend an inmate's right to receive an accounting of disclosures to a health care oversight agency with authority by law to oversee the health care system of the department or a law enforcement official upon written statement from the oversight agency or law enforcement official. The written statement shall specify that the accounting to the inmate would be reasonably likely to impede the agency or official's activities and the time period for which such suspension is required.

(n) Although the accounting of disclosures is not released during a suspension, the Department shall continue tracking and storing the information for future releases.

(8) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, release officers or any other employees designated to facilitate reentry, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements.

(9) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements.

(10) Use and disclosure of protected health information.

(a) Inmate protected health information shall be used or disclosed in accordance with the Health Insurance Portability and Accountability Act Privacy Rule of 1996, (HIPAA) and Florida law.

(b) Requests for access to a current inmate's protected health information shall be submitted to the health services administrator at the institution where the inmate is housed.

Requests for access to a former inmate's protected health information shall be submitted to: Inactive Medical Records, Reception and Medical Center, P. O. Box 628, Lake Butler, Florida 32054.

(c) All requests for access to an inmate's protected health information shall be specific and in writing.

(d) If use or disclosure of an inmate's protected health information is not otherwise permitted by law, an inmate must authorize the use or disclosure by giving written consent using Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information or a legally approved, HIPAA compliant release of protected health information form from another governmental agency. Form DC4-711B is incorporated by reference in Rule 33-601.901, F.A.C.

(e) The DC4-711B or other authorization shall be submitted with the written request for access to an inmate's protected health information. A copy of the authorization shall be provided to the inmate and the inmate shall acknowledge receipt of the copy by signing in the appropriate location on the authorization. The authorization and acknowledgement of receipt of copy shall become a part of the inmate's medical file.

(f) Form DC4-711B Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information must be notarized when the authorization is not from a current inmate personally known to the witness or is from a source external to the Department. All authorization forms shall be witnessed by at least one person who can verify the fact that he witnessed the signing of the authorization by the inmate and that, to the best of his knowledge, the inmate knew what was signed.

(g) A disclosure of protected health information may not be made on the basis of an authorization which:

1. Has expired;

2. On its face substantially fails to conform to any of the requirements of the Health Insurance Portability and Accountability Act Privacy Rule of 1996;

3. Is known to have been revoked; or

4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.

(h) In accordance with 45 C.F.R. § 164.502, a personal representative of a deceased inmate or a deceased inmate's estate shall have access to or authorize the disclosure of the deceased inmate's protected health information that is relevant to the personal representative's legal authority to act on behalf of the deceased inmate or the deceased inmate's estate. A certified copy of a letter of administration or other document demonstrating such authority shall be filed in the inmate's medical file and Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information must be signed by a personal representative.

(i) In accordance with 45 C.F.R. § 164.502, personal representatives having authority under Florida law to make decisions related to a living inmate's health care shall have access to or authorize the disclosure of the inmate's protected health information that is relevant to the personal representative's legal authority to make health care decisions on behalf of the inmate. Form DC4-711B, Consent and Authorization for Use and Disclosure, for Inspection and Release of Confidential Information shall be signed by the inmate's personal representative in accordance with Florida law. A copy of the document demonstrating the personal representative's authority shall be filed in the inmate's medical file.

(j) In accordance with 45 C.F.R. § 164.514(h), the department shall verify the identity and the authority of a person requesting access to an inmate's protected health information if the identity or authority of such person is not known.

(k) No information concerning test results, or other protected health information, shall be released over the telephone without proper verification that the caller is the person authorized to receive such information. All calls requesting the disclosure of protected health information over the telephone shall be forwarded to the Chief Health Officer, the Nursing Supervisor or their designees.

(l) Copies of protected health information will be provided upon receipt of payment as provided in subsection 33-601.901(2), F.A.C.

(11) Alcohol and Drug Abuse Treatment Files: Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:

(a) With the prior written authorization of the inmate or offenders described in subsection (10) above.

(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:

1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and

2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:

a. The anticipated length of the treatment;

b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and

c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.

(c) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:

This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.

(d) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:

1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;

2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.

3. To communicate within a program or between a program and an entity having direct administrative control over that program;

4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;

5. Reports of suspected child abuse and neglect; and

6. If authorized by a court order.

(12) The following forms are hereby incorporated by reference. Copies of these forms are available from the Forms Control Administrator, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500.

(a) DC4-534, Health Care Information Request Record, effective _____.

(b) DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, effective _____.

(c) DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, effective _____.

Specific Authority 944.09, 945.10, 945.6034 FS. Law Implemented 119.07, 944.09, 945.10, 945.25, 945.6034 FS., 42 USCS 290 ee-3, 45 CFR Parts 160 and 164. FS. History-New _____.

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-601.901 RULE TITLE: Confidential Records

PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to move language related to maintenance of and access to inmate medical and substance abuse clinical files to a new proposed Rule 33-401.701, F.A.C., to provide one location for all medical and substance abuse file provisions for easier access.

SUBJECT AREA TO BE ADDRESSED: Department of Corrections comprehensive inmate medical files and substance abuse files.

SPECIFIC AUTHORITY: 20.315, 944.09, 945.10 FS.

LAW IMPLEMENTED: 119.07, 944.09, 945.10, 945.25 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Perri King Dale, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-601.901 Confidential Records.

(1) Inmate and offender access to records or information.

(a) No change.

(b) Inmate and offender access to their own medical or substance abuse clinical files is addressed in Rule 33-401.701, F.A.C. records.

1. Definitions.

a. ~~“Medical record” as used in this rule includes the inmate’s medical, mental health, and dental files maintained by the department.~~

b. ~~“Protected health information” or “PHI” as used in this rule means individually identifiable health information about an inmate or offender.~~

e. ~~“Psychotherapy notes” as used in this rule means notes recorded by a mental health professional documenting or analyzing the contents of conversation during a private or group session. The term does not include medication prescription and monitoring, session start and stop times, the modalities and frequencies of treatment furnished, results of~~

~~clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

d. ~~“Substance abuse clinical record” as used in this rule means the department inmate file containing all written documents and records, including department forms compiled to detail an inmate’s substance abuse history, substance abuse screening, assessment, intervention, and other substance abuse services, including the results of urinalysis testing done for treatment, program participation, and admission and discharge summaries.~~

e. ~~“Substance abuse progress notes” as used in this rule means notes recorded by a substance abuse health care professional documenting or analyzing the contents of conversation during a private or group session. The term does not include session start and stop times, the modalities and frequencies of treatment furnished, results of clinical tests, and any summary of the following: diagnosis, functional status, treatment plan, symptoms, prognosis, and progress to date.~~

2. ~~An inmate shall be allowed to have access to his own medical record and, if such exists, his own substance abuse clinical record. An inmate desiring access to his own medical record shall submit a written request to the health services administrator or his designee; an inmate desiring access to his own substance abuse clinical record shall submit a written request to the substance abuse program manager or his designee.~~

3. ~~The department does not maintain medical records or substance abuse clinical records on offenders under community supervision. Access to records maintained by treatment providers under contract with the department should be requested by contacting the treatment provider.~~

4.a. ~~Inmates shall have no access to psychotherapy notes or substance abuse progress notes maintained in the department’s records.~~

b. ~~Inmates and offenders shall have no access to health information compiled in reasonable anticipation of, or for use in, a civil, criminal, or administrative action or proceeding.~~

5. ~~The request for access shall be denied in whole or in part due to any of the following reasons:~~

a. ~~The request is for records or information identified in subparagraph 4. above.~~

b. ~~The request is for PHI that was obtained from someone other than a health care provider under a promise of confidentiality and the access requested would with reasonable likelihood reveal the source of the information.~~

e. ~~The request is for information not maintained or no longer maintained by the department in its files.~~

d. ~~There has been a determination by a licensed or certified health care professional that:~~

1. ~~The requested access is reasonably likely to endanger the life or physical safety of the inmate or another person;~~

H. The requested access is to PHI that makes reference to another person (other than a health care provider) and such access is reasonably likely to cause substantial harm to such other person; or

III. The access is requested by a personal representative of the inmate and such access is likely to cause substantial harm to the inmate.

~~6. All requests shall be granted, including providing access or copies or both, or denied, in whole or in part, by the health services administrator or his designee or substance abuse program manager or his designee in writing within 30 days of the date of receipt of the request, except that where the requested records are not maintained on-site, the department shall provide or deny access, in whole or in part, within 60 days from receipt of the request. If the department is unable to grant or deny, in whole or in part, the request for access within the 30 or 60 day time periods, the department is authorized to extend the time for such action an additional 30 days by providing the inmate a written statement that the time period has been extended for 30 days and the reason(s) for the extension. This extension is available only one time.~~

~~7. Denials must provide:~~

~~a. The basis for the denial;~~

~~b. Information on where the requested information is maintained if sub-subparagraph 5.c. applies, and the department knows where the information is maintained;~~

~~c. Notification that the inmate may request a review of the denial by submitting a written request to the health services administrator or his designee in the case of medical records, or the substance abuse program manager or his designee in the case of substance abuse clinical records; and~~

~~d. That the inmate may grieve the denial through the inmate grievance process pursuant to Chapter 33-103, F.A.C.~~

~~8. Upon written request of the inmate to the staff member designated above, denials based on sub-subparagraph 5.d. shall be reviewed by a licensed or certified health care professional who is designated by the health services administrator or his designee or substance abuse program manager or his designee, and who did not participate in the original decision to deny the request. Review of the denial must be completed within a reasonable time after receipt of the request for review. Immediately upon determination on review, the inmate shall be notified in writing of the decision. The determination on review shall be followed by the department.~~

~~9. Where a request for access to an inmate's medical record or substance abuse clinical record is denied in part, the department shall provide access to the requested record after excluding the information for which access was denied.~~

~~(e) Copies will be provided upon receipt of payment as provided in subsection (2) of this rule, except that when providing the inmate a copy of the requested information would jeopardize either the health, safety, security, custody of the inmate or of other inmates; or the safety of any officer,~~

~~employee, or other person at the correctional institution or a person responsible for the transporting of the inmate, no copies shall be provided. A denial of copies on this basis shall not be subject to review under subparagraph (b)8. above.~~

~~(2) No change.~~

~~(3) The following records or information contained in department files shall be confidential and shall be released for inspection or duplication only as authorized in this rule or in Rule 33-401.701, F.A.C.:~~

~~(a) Medical reports, opinions, memoranda, charts or any other medical record of an inmate or offender, including dental and medical classification reports as well as clinical drug treatment and assessment records; letters, memoranda or other documents containing opinions or reports on the description, treatment, diagnosis or prognosis of the medical or mental condition of an inmate or offender; the psychological screening reports contained in the admission summary; the psychological and psychiatric evaluations and reports on inmates or offenders; health screening reports; Mentally Disordered Sex Offender Status Reports. Other persons may review medical records only when necessary to ensure that the inmate's or offender's overall health care needs are met, or upon a specific written authorization from the inmate or offender whose records are to be reviewed, or as provided by law. If a request for inmate or offender medical records is submitted upon consent or authorization given by the patient inmate or offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA compliant release of protected health information form from another governmental agency shall be utilized in accordance with Rule 33-401.701, F.A.C. Form DC4-711B is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is November 27, 2007. Offenders under supervision, or previously under supervision, who desire information from their own records, shall be referred to the agency or office originating the report or document to obtain such information.~~

~~(b) through (8) No change.~~

~~(9) Any information, whether recorded or not, concerning the identity, diagnosis, prognosis or treatment of any inmate or offender which is maintained in connection with the performance of any alcohol or drug abuse prevention or treatment function shall be confidential and shall be disclosed only as follows:~~

~~(a) With the prior written consent of the inmate or offender. The written consent shall include the following information:~~

~~1. The specific name or general designation of the program or person permitted to make the disclosure;~~

~~2. The name or title of the individual or the name of the organization to which disclosure is to be made;~~

~~3. The name of the inmate or offender;~~

~~4. The purpose of the disclosure;~~

~~5. How much and what kind of information is to be disclosed;~~

~~6. The signature of the inmate or offender; or, when required for an inmate or offender who is incompetent or deceased, the signature of a person authorized to sign in lieu of the inmate or offender;~~

~~7. The date on which the consent is signed;~~

~~8. A statement that the consent is subject to revocation at any time except to the extent that the program or person which is to make the disclosure has already acted in reliance on it.~~

~~9. The date, event, or condition upon which the consent will expire if not revoked before. This date, event, or condition must ensure that the consent will last no longer than reasonably necessary to serve the purpose for which it is given.~~

~~If a request for inmate medical records is submitted upon consent given by the patient inmate/offender, the department's Consent and Authorization for Use and Disclosure, Inspection and Release of Confidential Information, Form DC4-711B, or a legally approved, HIPAA-compliant release of protected health information form from another governmental agency shall be utilized in order to obtain medical records held by the department.~~

~~(b) Pursuant to 42 C.F.R. Part 2, the department is authorized to disclose information about an inmate or offender to those persons within the criminal justice system who have made participation in the program a condition of the disposition of any criminal proceedings against the inmate or offender or of the inmate or offender's parole or other release from custody if:~~

~~1. The disclosure is made only to those individuals within the criminal justice system who have a need for the information in connection with their duty to monitor the inmate or offender's progress; and~~

~~2. The inmate or offender has signed Form DC4-711B meeting the requirements of paragraph (9)(a) except for the revocation provision in subparagraph (9)(a)8. This written consent shall state the period during which it remains in effect. This period shall be reasonable, taking into account:~~

~~a. The anticipated length of the treatment;~~

~~b. The type of criminal proceeding involved, the need for the information in connection with the final disposition of that proceeding, and when the final disposition will occur; and~~

~~c. Such other factors as the program, the inmate or offender, and the persons who will receive the disclosure consider pertinent. The written consent shall state that it is revocable upon the passage of a specified amount of time or the occurrence of a specified, ascertainable event. The time or~~

~~occurrence upon which consent becomes revocable shall be no later than the final disposition of the action in connection with which consent was given.~~

~~(c) A disclosure may not be made on the basis of a consent which:~~

~~1. Has expired;~~

~~2. On its face substantially fails to conform to any of the requirements set forth in paragraph (9)(a) above;~~

~~3. Is known to have been revoked; or~~

~~4. Is known, or through a reasonable effort could be known, by the person holding the records to be materially false.~~

~~(d) Each disclosure made with the inmate or offender written consent shall be accompanied by the following written statement:~~

~~This information has been disclosed to you from records protected by federal confidentiality rules (42 C.F.R. Part 2). The federal rules prohibit you from making any further disclosure of this information unless further disclosure is expressly permitted by the written consent of the person to whom it pertains or as otherwise permitted by 42 C.F.R. Part 2. A general authorization for the release of medical or other information is NOT sufficient for this purpose. The federal rules restrict any use of the information to criminally investigate or prosecute any alcohol or drug abuse patient.~~

~~(e) Whether or not the inmate or offender has given written consent, 42 C.F.R. Part 2 permits disclosure of information as follows:~~

~~1. To medical personnel to the extent necessary to meet a medical emergency and for continuity of care;~~

~~2. To qualified personnel for the purpose of conducting scientific research, management audits, financial audits, or program evaluation, but such personnel shall not identify, directly or indirectly, any individual inmate or offender in any report of such research, audit, or evaluation, or otherwise disclose inmate or offender identities in any manner.~~

~~3. To communicate within a program or between a program and an entity having direct administrative control over that program;~~

~~4. To law enforcement officers concerning crimes on program premises or against program personnel, or when a threat to commit such a crime has been made;~~

~~5. Reports of suspected child abuse and neglect; and~~

~~6. If authorized by a court order.~~

~~(10) Each employee of the Department of Corrections shall maintain as confidential all medical and mental health, including substance abuse information, regarding any inmate or offender that the employee obtains in conjunction with his or her duties and responsibilities, and shall not disseminate the information or discuss the medical, mental health or substance abuse condition of the inmate or offender with any person except persons directly necessary to the performance of the~~

~~employee's duties and responsibilities. An employee who has been designated as a member of the healthcare transfer team or is part of a mental health or substance abuse treatment team shall not disseminate inmate medical or substance abuse information or discuss the medical or mental health or substance abuse condition of an inmate with any person except other members of the healthcare transfer team, medical, mental health or substance abuse staff, upper level management at the institution or facility level, regional level and central office level, inspectors from the Inspector General's Office, or department attorneys. Breach of this confidentiality shall subject the employee to disciplinary action. Each employee shall acknowledge receipt and review of Form DC2-813, Acknowledgement of Responsibility to Maintain Confidentiality of Medical Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC2-813 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 2-9-06.~~

~~(11) Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall maintain as confidential all health or substance abuse information that he sees or hears while performing his duties and responsibilities, and shall not disseminate the information or discuss the medical or substance abuse information with any person except health care staff or substance abuse program staff. Failure to keep health or substance abuse information confidential and private shall subject the inmate to disciplinary action. Each inmate assigned as an inmate worker, inmate assistant, substance abuse peer facilitator, or other assignment involving possible contact with health or substance abuse information about other inmates shall acknowledge receipt and review of Form DC1-206, Inmate Acknowledgement of Responsibility to Maintain Confidentiality of Health or Substance Abuse Information, indicating that he understands the medical and substance abuse confidentiality requirements. Form DC1-206 is hereby incorporated by reference. Copies of this form are available from the Forms Control Administrator, Office of Research, Planning and Support Services, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500. The effective date of this form is 7-8-03.~~

~~Specific Authority 20.315, 944.09, 945.10 FS. Law Implemented 119.07, 944.09, 945.10, 945.25 FS., 42 USC 290 ee 3, 45 CFR Parts 160 and 164. History-New 10-8-76, Amended 6-10-85, Formerly 33-6.06, Amended 1-12-89, 7-21-91, 9-30-91, 6-2-92, 8-4-93, 6-12-96, 10-15-97, 6-29-98, Formerly 33-6.006, Amended 9-19-00, 7-8-03, 2-9-06, 11-27-07,_____.~~

WATER MANAGEMENT DISTRICTS

Southwest Florida Water Management District

RULE NO.:	RULE TITLE:
40D-8.624	Guidance and Minimum Levels for Lakes

PURPOSE AND EFFECT: To amend Chapter 40D-8, Florida Administrative Code, to establish minimum levels for Lake Anoka in Highlands County pursuant to Section 373.042, Florida Statutes and to establish guidance levels for this lake.

SUBJECT AREA TO BE ADDRESSED: Establishment of minimum lake levels and guidance levels for Lake Anoka in Highlands County, Florida.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 FS.

LAW IMPLEMENTED: 373.036, 373.0361, 373.042, 373.0421, 373.086 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 4, 2008, 5:00 p.m.

PLACE: Highlands County Agri Civic Center, 4509 George Boulevard, Sebring, FL 33875

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Dianne Lee at (352)796-7211 or 1(800)423-1476, extension 4658; TDD only number 1(800)231-6103; FAX number (352)754-6878/SUNCOM 663-6878. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Doug Leeper, Chief Environmental Scientist, Resource Projects Department, Southwest Florida Water Management District, 2379 Broad Street, Brooksville, FL 34604-6899, (352)796-7211, extension 4272

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

AGENCY FOR HEALTH CARE ADMINISTRATION

Health Facility and Agency Licensing

RULE NOS.:	RULE TITLES:
59A-4.202	Quality of Care
59A-4.206	Termination and Frequency of Review

PURPOSE AND EFFECT: The Agency proposes to amend Chapter 59A-4, F.A.C., consistent with Section 400.235, F.S. The proposed revisions reflect recommendations made by the Panel on Excellence in Long-Term Care. The Gold Seal Program is developed and implemented by this Panel.

SUBJECT AREA TO BE ADDRESSED: Specific to the Gold Seal Program including defining quality of care standards and termination criteria.

SPECIFIC AUTHORITY: 400.235(9) FS.

LAW IMPLEMENTED: 400.235 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: December 8, 2008, 1:00 p.m.

PLACE: Hurston South Tower, 400 W. Robinson St., First Floor, Conference Room A, Orlando, FL 32801

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Barbara Dombrowski, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-3.0251	Definitions Relating to Emergency Unemployment Compensation
60BB-3.0252	Emergency Unemployment Compensation
60BB-3.0253	Emergency Unemployment Compensation Individual Accounts
60BB-3.0254	How to Apply for Emergency Unemployment Compensation
60BB-3.0255	Applicability of Emergency Unemployment Compensation Rules
60BB-3.029	Public Use Forms

PURPOSE AND EFFECT: The new rules and rule amendments set forth in this Notice of Proposed Rule Development implement the procedures and policy relating to the federally funded Emergency Unemployment Compensation Program created by Public Law 110-252 and implemented in Florida through an agreement between the Agency for Workforce Innovation and the United States Department of Labor.

SUBJECT AREA TO BE ADDRESSED: Unemployment Compensation Claims and Benefits.

SPECIFIC AUTHORITY: 443.1317(1)(b) FS.

LAW IMPLEMENTED: 443.036, 443.091, 443.101, 443.111, 443.151, 443.171(5), 43.1715(1), 443.191, 443.221(3) FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, December 1, 2008, 3:00 p.m. – 5:00 p.m.

PLACE: Agency for Workforce Innovation, 107 E. Madison Street, Room B-049, Tallahassee, Florida 32399

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Audrey L. Gaten, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399; (phone) (850)245-7150; (fax) (850)921-3230; (email) audrey.gaten@flaawi.com. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: John R. Perry, Assistant General Counsel, 107 E. Madison Street, Room 110, Tallahassee, Florida 32399; (phone) (850)245-7150; (fax) (850)921-3230; (email)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Landscape Architecture

RULE NO.:	RULE TITLE:
61G10-14.001	Probable Cause Determination

PURPOSE AND EFFECT: The Board proposes to amend the rule in order to clarify probable cause panel composition.

SUBJECT AREA TO BE ADDRESSED: Probable Cause Determination.

SPECIFIC AUTHORITY: 455.225(3) FS.

LAW IMPLEMENTED: 455.225(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Juanita Chastain, Executive Director, Board of Landscape Architecture, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Pilot Commissioners

RULE NO.:	RULE TITLE:
61G14-15.004	Boarding and Disembarking

PURPOSE AND EFFECT: The Board proposes to update the existing language in this rule related to boarding and disembarking for Fort Pierce pilots.

SUBJECT AREA TO BE ADDRESSED: Boarding and Disembarking.

SPECIFIC AUTHORITY: 310.185 FS.

LAW IMPLEMENTED: 310.002, 310.141 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Robyn Barineau, Executive Director, Board of Pilot Commissioners, 1940 North Monroe Street, Tallahassee, Florida 32399-0750
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-11.007 RULE TITLE: Application Closure After 24 Months

PURPOSE AND EFFECT: The Board proposes the rule promulgation to provide instruction concerning application closure after 24 months.

SUBJECT AREA TO BE ADDRESSED: Application Closure After 24 Months.

SPECIFIC AUTHORITY: 490.004(4), 490.005(3) FS.

LAW IMPLEMENTED: 490.005(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

64B19-11.007 Application Closure After 24 Months.

(1) The Board shall close the application file of and issue a final order of denial to any applicant for licensure by examination who fails to pass the Examination for Professional Practice in Psychology and the Florida laws and rules

examination or who fails to submit evidence of completion of the postdoctoral, supervised experience within 24 months of the issuance of the Board's letter advising that the applicant has been approved for examination.

(2) The Board may grant an additional twelve (12) months to comply with the requirements of subsection (1) above, of up to 36 months, to any applicant who files a written request for extension and demonstrates that the applicant has made a good faith effort to comply but has failed to comply because of illness or unusual hardship.

Specific Authority 490.004(4), 490.005(3) FS. Law Implemented 490.005(3) FS. History--New _____.

DEPARTMENT OF HEALTH

Board of Psychology

RULE NO.: 64B19-18.008 RULE TITLE: Board Approval of Specialty Certifying Bodies

PURPOSE AND EFFECT: The Board proposes to review the existing language in this rule to determine whether changes are necessary.

SUBJECT AREA TO BE ADDRESSED: Board Approval of Specialty Certifying Bodies.

SPECIFIC AUTHORITY: 490.0149, 490.004(4) FS.

LAW IMPLEMENTED: 490.0149 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Allen Hall, Executive Director, Board of Psychology, 4052 Bald Cypress Way, Bin C05, Tallahassee, Florida 32399-3253

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

**Section II
Proposed Rules**

DEPARTMENT OF STATE

Division of Library and Information Services

RULE NOS.: 1B-24.001 RULE TITLES: General
1B-24.003 Records Retention Scheduling and Disposition

PURPOSE AND EFFECT: The purpose of this amendment is to update guidelines for scheduling and disposing of public records. Updated guidelines reflect current best practices in